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Rule 50 of the Olympic Charter - Where do we stand?

by Brittany Bates, Greg Cherniak, Hannah Dobie, Rheanna Geisel and Tyler Matthews, Sport Solution

High performance athletes today are public figures with the potential to use their voices to inspire change. History provides examples of athletes bravely taking a public stand to voice their indignation of social injustice, and the Olympics have provided a noted venue. Famously, sprinters Tommie Smith and John Carlos raised their fists on the podium at the 1968 Mexico City Olympics to protest racial injustice, for which both athletes were subsequently expelled from the competition.^[1]

With the role of social media, television, and advertising increasing the prominence of athletes in society today, we have entered a new era of athlete activism. It's no longer rare for athletes to comment and take stands on pressing issues. Rather, it might be argued they are even expected to do so. Despite these developments, the International Olympic Committee (IOC) has been hesitant to allow athletes to speak freely without limitation and has not yet fully adapted to the changing role of athletes in today's society.

What is Rule 50?

Rule 50 of the Olympic Charter sets out the regulations that cover an athlete's ability to protest and make demonstrations. This rule provides a framework meant to protect the neutrality of Olympic sport, setting out that "[n]o kind of demonstration or political, religious or racial propaganda is permitted in any Olympic sites, venues or other areas."^[2]

Rule 50 and Freedom of Expression

Given the era of athlete activism that is upon us, there was hope that the IOC would drop Rule 50 in the lead up to the 2020 Tokyo Olympic Games and allow athletes the full freedom to express themselves. However, a clear majority of athletes still agreed that it was not appropriate for athletes to openly protest in three main locations: during the opening ceremony, on the field of play, and on the podium.^[3] Indeed, there were only a few examples of athletes violating Rule 50 this past summer, with the most notable example being Silver-medal winning American shot putter, Raven Saunders, who raised her arms in an "X" on the podium. Saunders said that the "X" represented the "intersection of where all people who are oppressed meet."^[4]

Pre-Tokyo Changes to Rule 50

Prior to the 2020 Tokyo Olympic Games, the IOC published a report in April 2021 that adjusted the rigid requirements outlined in Rule 50. The biggest change was that athletes were allowed to engage in a "moment of solidarity against discrimination" during the opening ceremony, and to wear clothing with words like peace, respect, solidarity, inclusion, and equality that express fundamental Olympic "values."^[5] The responses published by the IOC preferred a unified moment of expression at the Opening Ceremony, as well as creating a specific space in the Olympic Village for athletes to express themselves.^[6] Athletes were

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also officially able to use their apparel, the athlete mural, and social media as a platform for expression.

Despite these changes, Rule 50 still provides for very limited expression of athletes in specified Olympic venues. The rule seeks to protect the political and religious neutrality that the Olympic Games continue to strive to preserve. The alternative would be for the IOC to distinguish between the importance of causes, which it does not appear to be prepared to do. For that reason, the IOC's preference is to maintain a blanket policy of neutrality.^[7]

Violations of Rule 50

The IOC did not define "demonstration" or "propaganda" in the Olympic Charter or relevant policies. Therefore, it is unclear as to what kind of act will in fact violate Rule 50. The IOC Athletes' Commission has provided examples of violations, such as political signs or kneeling during the medal ceremonies. However, the examples provided are by no means exhaustive. There is also a lack of clarity regarding how a violation will be treated. The only guidance provided by the IOC is that it will examine the facts of each violation on a case-by-case basis, in conjunction with the relevant National Olympic Committee and International Federation.

Moving Forward

So, what does this mean for Canada's Olympic athletes? Athletes are not allowed to protest, but they

are allowed to partake in a moment of solidarity at the Opening Ceremony, as well as advocate for their views in the designated areas and mediums approved by the IOC. Athletes can use their platform to inspire change, but this platform is limited by the IOC's decision to remain faithful to Rule 50.

The application of Rule 50 in Tokyo this past summer seems to offer inconclusive evidence on the IOC's willingness to enforce the rule. There were a number of protests in Tokyo, including such notable incidents as Chinese cyclists Bao Shanju and Zhong Tianshi wearing Mao Zedong pins while receiving gold medals^[8], Costa Rican gymnast Luciana Alvarado ending her floor routine by kneeling and raising her fist^[9], and members of the American men's fencing team wearing pink masks after a teammate had been accused of sexual misconduct^[10]. However, the IOC chose not to sanction any of the athletes involved in these protests.

At least for the time being, Rule 50 shows that the IOC has elected to remain neutral, in line with the traditional spirit of the Olympic Games. As for the IOC's enforcement of Rule 50, the leniency shown in Tokyo should not be seen as implicit endorsement of protest for Beijing. The controversial choice of China as the host country despite their human rights transgressions, combined with that country's lack of tolerance for dissent, means Rule 50's applicability in these Olympic Games has entered a new playing field. ■

"Athletes can use their platform to inspire change, but this platform is limited by the IOC's decision to remain faithful to Rule 50."

[1] Jesse Campigotto, "The Olympics' Rule 50 debate isn't over" www.cbc.ca/sports/the-buzzer-newsletter-olympics-rule-50-debate-1.5998651

[2] Olympic Charter: stillmed.olympic.org/media/Document%20Library/OlympicOrg/General/EN-Olympic-Charter.pdf

[3] Rule 50 Guidelines: stillmed.olympic.org/media/Document%20Library/OlympicOrg/News/2020/01/Rule-50-Guidelines-Tokyo-2020.pdf

[4] www.npr.org/sections/tokyo-olympics-live-updates/2021/08/02/1023610861/a-u-s-athlete-defies-olympic-podium-protest-ban-under-threat-of-sanctions

[5] *Supra* note 1.

[6] *Ibid.*

[7] "IOC Athletes' Commission's recommendations on Rule 50 and Athlete Expression at the Olympic Games fully endorsed by the IOC Executive Board" olympics.com/ioc/news/ioc-athletes-commission-s-recommendations-on-rule-50-and-athlete-expression-at-the-olympic-games

[8] www.nytimes.com/2021/08/04/sports/olympics/olympics-china-cyclists-mao-pins.html

[9] www.latimes.com/sports/olympics/story/2021-08-07/ioc-fears-tokyo-olympics-athletes-protests

[10] *Ibid.*



SDRCC Roster Member Profile: Learning More About our Arbitrators and Mediators

They come from every region of Canada and have extensive experience in alternate dispute resolution and sports-related issues, but how much do we really know about them? The SDRCC has an impressive list of 58 mediators and arbitrators and we will slowly be introducing you to some of them through our regular installments of “SDRCC Roster Member Profiles”. In this edition we would like to present, **Marie-Claire Belleau**, mediator from **Québec City, in Québec**.



What led you to a career in ADR?

A deepening concern — you could maybe even call it an obsession — with improving access to justice for my fellow citizens led me to train in mediation, as well as to conduct research on other dispute prevention and resolution (DPR) methods such as facilitation, conciliation, and expert determination. DPR offers hope for participatory justice, providing people who encounter legal problems the opportunity to actively participate in finding a solution to their conflict. I strive for collaborative justice that is fundamentally based on empowerment, in the belief that the people or organizations in conflict are the ones most capable and best placed to find solutions appropriate to their situation.

Field of specialization/Area of expertise:

I provide mediation services in family, civil, and commercial disputes, as well as in the areas of small claims, psychological harassment, and sport. My research also centres on restorative justice involving criminal and penal law, as well as on DPR involving the Government as either the defendant or the plaintiff.

As an SDRCC mediator, I...

...strive to create a climate that is conducive to communication and dialogue between the parties involved in a dispute. I emphasize collaborative efforts that draw on creativity, namely, on the ability

of people to devise solutions suited to their own particular conflict and based on consensus building. In this way, the participatory nature of DPR provides for improved communication and mutual understanding, as well as opportunities to apologize, to find new ways of interacting, and to either cut ties in a consensual manner or rebuild them on new foundations.

Favourite sport(s):

I mainly practice individual sports such as running, cycling, cross-country skiing, and snowshoeing. I have great admiration for the human achievements we witness during sport events, at both the local and international levels.

Dispute prevention tips for athletes:

Communication is the most valuable tool for preventing disputes. When confronted with inexplicable and potentially hurtful words or actions, be generous in your interpretation. Assume the person means well and try to find the most positive explanation for their behaviour. To do this, it is important to ask open-ended questions rather than quickly jump to conclusions. It is very helpful to verify your own assumptions, remain curious, and listen carefully. In some cases, it may be necessary to seek the most likely cause of the unreasonable behaviour, as misunderstandings are often the result of both conscious and unconscious needs and emotions. ■

In our next edition, look for the profile of a SDRCC arbitrator.

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Progress Update on the Safe Sport Mechanism

Last December, the SDRCC published a summary report of all focus group sessions held between July and October 2021. The report [available on its website](#) also took into account the information gathered from meetings with representatives of all the provinces and territories, with the goal of ensuring the collaboration of all key players in federated sports in Canada. The SDRCC also invited all federally-funded sport organizations to express their interest in availing themselves of the services of the Office of the Sport Integrity Commissioner through the signature of a pledge. The SDRCC will report in a few weeks on the progress made in this regard. Finally, a working committee is preparing the next version of the Universal Code of Conduct to Prevent and Address Maltreatment in Sport (UCCMS), which will soon be the object of a consultation targeting mostly national organizations. ■

New SDRCC Staff Members



Rick Hunger has over 20 years of international program management and business development experience. He has represented Canada in basketball and played in the NCAA as well as professionally in Europe. As a parent of two elite athletes, Rick is passionate about sports, and has been actively involved in coaching, managing and volunteering for youth sports in basketball, football, hockey, lacrosse and swimming. He is committed to working to make sport safe and welcoming for all. As Senior Director, Rick will be responsible for all aspects of organizational change required for the integration of the new safe sport mandate and for the seamless onboarding of signatories.

Jérôme Fontaine-Benedetti will join the SDRCC on February 7 as an Assistant Case Manager. He will work closely together with Alexandra Lojen in the management of the Dispute Resolution Secretariat. In the process of completing a Master's degree in Sports Law at the University of Neuchâtel in Switzerland, Jérôme will first work remotely before moving to Montreal in July. Passionate about sports in general, he has an affinity for soccer, having coached and played for many years. Energetic and sociable, Jérôme is enthusiastic about contributing to the team and starting a fruitful collaboration with the SDRCC. ■



SAVE THE DATE!

The SDRCC is pleased to announce that its next Mediator and Arbitrator conference will take place in **Saskatoon, Saskatchewan, on November 24-26, 2022**. The event will be held at the [Delta Hotels Saskatoon Downtown](#). Check the SDRCC website (crdsc-sdrcc.ca) for more details in the coming months! ■

Notable Dates:

- **February 14, 2022:** Virtual presentation to law students at the University of Calgary;
- **February 23-24, 2022:** SDRCC Webinar on Athletes' Rights and Responsibilities (open to the public);
- **February 25, 2022:** Panelist at the WISLaw Webinar on Safe Sport Harmonisation;
- **March 1, 2022:** Virtual presentation to law students at Queen's University;
- **March 8, 15 & 22, 2022:** Virtual presentations on Athlete Identification and Selection to coaches of the Institut national du sport du Québec;
- **April 1-3, 2022:** Participation at the Safe Sport International Conference 2022;
- **April 6-7, 2022:** SDRCC Webinar on Conflicts of Interest in Sports-Related Decisions (open to the public);
- **April 21, 28 & May 5, 2022:** Virtual presentations on Athlete Identification and Selection to coaches of the Canadian Sport Institute Ontario;
- **May 18-19, 2022:** SDRCC Webinar on Team Selection Policies (open to the public). ■



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